

REMARKS

Upon entry of the forgoing amendments claims 1-17 and 20 are pending in the instant application. Claims 3-6 have been amended to clarify the subject matter contained therein. New claim 20 has been added. The amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendments is respectfully requested.

I. Rejections under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1-17 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As basis for the rejection, it is the Examiner's position that it is unclear what is being allocated in claim 1. Claims 3-6 are rejected on the basis they are unclear due to their respective dependencies, and the apparent lack of reference to an intervening step.

Applicants respectfully traverse this rejection. Applicants respectfully submit that it is evident from section b) of claim 1, as well as from the last paragraph of claim 1, that claim 1 relates to a method for producing fusion polypeptides that are covalently bonded to the nucleic acid coding for said particular fusion polypeptide. In this respect the corresponding nucleic acid and fusion protein information is matched (allocated) by a covalent bond. For example, the preamble of claim 1 reads:

“method...for the... **allocation of nucleic acids and the polypeptides coded by these**”

This clearly shows that it is the nucleic acids and the polypeptides coded by the same nucleic acids which are allocated. The Examiner's attention is directed to paragraphs [[1]], [[23]] and [[41]], if necessary, which clarifies that the nucleic acid and the fusion protein information is allocated by a covalent bond.

Regarding claims 3-6, Applicants respectfully submit that the dependencies of these claims has been amended and new claim 20 has been added in the expectation that the amendments will overcome the Examiner's grounds for the rejection.

Based on the forgoing, the claims meet the requirements of 35 U.S.C. §112, second paragraph, and the Examiner is respectfully requested to withdraw the rejection.

II. Rejections under 35 USC § 112, first paragraph.

The Examiner has rejected claims 1-9 and 11-16 on the grounds that the specification does not enable any person of skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Specifically, the Examiner asserts that while the specification is enabling for a method of producing a covalently bonded polypeptide with a modified DNA nucleic acid comprised of 5-fluorodeoxycytidine methyl transferase binding site, it does not reasonably provide enablement for a method of producing any polypeptide-nucleic acid fusion.

Applicant respectfully traverses this rejection and asserts that the specification as originally filed enables the full scope of the claims.

The Examiner's attention is respectfully drawn to paragraph [0044] of the application as published. Herein and continuing through to paragraph [0054] the specification describes that (cytosine-5)-methyl transferase is a preferred embodiment for producing nucleic acid-polypeptide fusion according to the instant claims. The specification teaches numerous alternative enzymes, such as methyl transferases and their respective recognition sequences, as well as other enzymes suitable for covalently linking proteins to DNA.

Additionally, U.S. Patent 5,856,090 confirms the level of skill of one of skill in the art, and that such a person can produce DNA-polypeptide fusions by more than just one method. The reference further teaches there are numerous suitable enzymes and methods enabling the skilled artisan to arrive at stable DNA-polypeptide fusions. The reference teaches in Section A (columns 11-13) suitable enzymes, which are also cited in the instant specification.

In view of the foregoing, Applicants submit that the instant application enables the skilled artisan to make and use the full scope of the invention as claimed, within the meaning of 35 USC § 112, first paragraph. Thus, the Examiner is respectfully requested to withdraw this rejection.

CONCLUSION

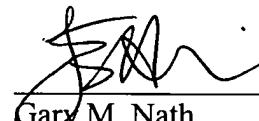
Based upon the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the outstanding objection and rejections to the claims and allow all pending claims in the application.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to contact the undersigned attorney.

Respectfully submitted,

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